IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O.No.2134 of 2006 (O&M)
DATE OF DECISION : 14.9.2006

National Insurance Co. Ltd.

....Appellant

Versus

Surjeet Singh & others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Kamal Sehgal, Advocate
for the appellant.

...

UMA NATH SINGH, J.(Oral)

This F.A.O. arises out of an award dated 3.1.2006 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Yamunanagar at Jagadhri, in MACT Case No.77 of 2004, awarding a sum of Rs.56,000/- in injury case of a young man of 40 years.

The only submission urged on behalf of the Insurance Company is that the driver of the offending vehicle was holding a licence for driving scooter, motorcycle, car and jeep and not for a light motor vehicle. According to learned counsel, the offending vehicle was TATA-407, therefore, the licence did not cover that vehicle.

We have carefully considered the submission of learned counsel and we find no force therein. Under the definition of light motor vehicle, as given in Section 2 (21) of the Motor Vehicles Act, any four-wheeler vehicle with unladen weight not exceeding 7500

kilograms is covered. That apart, the learned Tribunal has held that the Insurance Company failed to prove that the insured was guilty of negligence, and did not exercise reasonable care in compliance of the conditions of policy. Thus, the Insurance has not discharged its onus. Learned counsel is not able to point out as to whether any permission under Section 170 of the Motor Vehicles Act to contest the case on merit has been granted.

Accordingly, we do not find any merit in the appeal which is dismissed in limine.

(UMA NATH SINGH)
JUDGE

14.9.2006 (MAHESH GROVER)
JUDGE

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